

Timothy E. Warriner (SB#166128)
Attorney at Law
813 6th St., Suite 450
Sacramento, CA 95814
(916) 443-7141
FAX: (916) 441-0970

Attorney for Petitioner,
ALFRED LEE GRAYSON

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

ALFRED LEE GRAYSON,)	No. Civ. S-03-1694 MCE KJM
)	
Petitioner,)	STIPULATION AND ORDER
)	FOR MODIFICATION OF
v.)	BRIEFING SCHEDULE
)	
TOM L. CAREY, Warden,)	
)	
Respondent.)	
)	

This matter is in the District Court after remand from the Ninth Circuit. Pursuant to the remand order, the court is to consider the issue of procedural default, and if there is no procedural default, is to evaluate the confrontation clause claim pursuant to *Ohio v. Roberts*, 448 U.S. 56 (1980).

The parties have previously stipulated to a briefing schedule. Petitioner's counsel has continued to work diligently to complete the briefing in this case, and has made substantial progress toward completion of the work. However, due to the complexity of the issues, and counsel's obligations toward completion of the opening brief in People v. Washington (5th Dist. No. F056938), and oral argument in United States v. Sewell (USCA No. 08-10363), counsel for petitioner needs an additional extension of time. In light thereof, the parties have stipulated to the modification of the briefing schedule. To afford counsel additional time needed to research and brief this matter, the parties hereby stipulate and agree that the court adopt the following

1 briefing schedule concerning the procedural default issue and the application of *Ohio v. Roberts*:
2 petitioner's points and authorities will be due **January 4, 2010**, respondent's points and
3 authorities will be due **February 4, 2010**, and petitioner's reply will be due on **March 4, 2010**.

4 DATED: December 10, 2009

/s/ Tim Warriner, Attorney for Petitioner,
ALFRED LEE GRAYSON

5 DATED: December 10, 2009

/s/ Janis McLean, Deputy Attorney General,

7 ORDER

8 GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, it is hereby
9 ordered that petitioner's points and authorities will be due January 4, 2010, respondent's points
10 and authorities will be due February 4, 2010, and petitioner's reply will be due on March 4,
11 2010.

12 DATED: December 16, 2009.

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14 U.S. MAGISTRATE JUDGE
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